

1 Ramirez left the station you were the station's, and
2 I think the term you like to use is stand-in general
3 manager. In the months after January 30, 1998, which
4 is, as we understand it, Mr. Ramirez's last day, did
5 you do anything to maintain the public inspection file
6 in any way?

7 A In that period of time I don't recall
8 doing anything to the public inspection file. I
9 would've if I had -- if I had been prompted to, I
10 certainly would have, by my attorneys or school
11 district. But at that point I didn't -- don't have
12 any recollection of taking any initiative to do
13 anything.

14 Q Well, for example, with respect to the
15 first quarter of 1998, January, February, March, did
16 you place in the public inspection file an issues
17 programs list covering that three-month period?

18 A I don't recall putting an issues program
19 list in it on a specific date and covering the first
20 quarter of '98. And I may have, and certainly if we
21 look at that memo, that email from -- I sent to John
22 Covell, I may have put something in there based on

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1 that. But I don't have specific recollection of
2 actually opening, putting in a piece of paper or a
3 list.

4 Q Now, over the next several years, when Mr.
5 Johnson was the station manager, do you recall issues
6 programs lists being put in on a quarterly basis?
7 Into the public file?

8 A I don't recall Mr. Johnson -- if Mr.
9 Johnson did it or not, no.

10 Q I mean, did you do it?

11 A I don't -- I wasn't -- I didn't do it and
12 I don't recall being assigned to do it. No.

13 Q Now, I'm going to read, referring to a
14 different matter altogether --

15 MR. PRICE: Your Honor, before we move on,
16 I just wanted to bring to your attention, and we may
17 get a better copy, or the exact copy we're looking for
18 of the NAB Council memo that Mr. Shook was asking the
19 witness about.

20 We did produce in discovery months ago a
21 document that's dated 1997 produced by the NAB
22 entitled Your Public File: What to Keep, What to Toss

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1 and Where to Keep It. It's SFUSD Document No. 00271,
2 SFUSD 00276.

3 I note that it's a six-page document,
4 which doesn't quite match up with the eight pages
5 indicated in here, although there may have been a
6 cover page or something as well, so I don't know if
7 the Bureau intends -- just doesn't want to use this
8 document, but if you want to see the '97 version as we
9 wait for the '98, they have a copy and you're welcome
10 to our copy as well.

11 JUDGE SIPPEL: Well, I'll take it with me
12 -- well, do you have any objection to my looking at
13 it?

14 MR. SHOOK: No. We'd be perfectly happy
15 to have it as an exhibit. We just didn't, we didn't
16 have a really good idea where it fit and who would
17 sponsor it and how it could work.

18 MR. PRICE: We're not sure either. We got
19 this from the NAB this fall. This is the request that
20 Ms. Repp made to the NAB for what do you have during
21 that period, for '97. And this is what they gave us.

22 They didn't have the subsequent, they

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1 didn't have the subsequent one, or we didn't ask for
2 '98 as well. So this is what we got and this is what
3 we produced. But, and I'm not sure Mr. Helgeson will
4 be able to tell you whether this is what he saw, but
5 you can certainly ask him.

6 JUDGE SIPPEL: Well. Wait just a second.
7 Yes, I mean I'm answering yes, but let me tell you
8 what I'm answering yes to. I think we ought to have
9 that packaged up as an exhibit and then put it in
10 front of him and let him see if he can, if he can --

11 MR. SHOOK: I'd be perfectly happy to have
12 that happen.

13 JUDGE SIPPEL: I mean, there's no sense in
14 doing this piecemeal. I'm more interested in -- can
15 you, can you and Kathy take care of that by the time
16 we come back after lunch break?

17 MR. SHOOK: Oh, certainly.

18 MR. PRICE: I mean, we just have our copy
19 here. I suspect they have the copy we gave them, or
20 we can make a copy, we can make some copies at lunch
21 as well. It's easy enough.

22 JUDGE SIPPEL: Well, it's --

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1 MR. SHOOK: And then one thing that we
2 could do now is we could present this document to Mr.
3 Helgeson and see what if anything he can --

4 JUDGE SIPPEL: Exactly.

5 MR. SHOOK: Add.

6 JUDGE SIPPEL: No, exactly. Exactly. Up
7 or down, yea or nay, it's, again, and using your
8 analogy, it's another piece of the puzzle. It's
9 relevant time-wise. It's relevant certainly subject-
10 wise. And who knows what it may spur this witness to
11 recall. Who knows?

12 MR. PRICE: There may be another iteration
13 from -- closer to the day of the fax, and we can
14 determine that if in fact we get something, but I
15 think this one is relatively close in time.

16 JUDGE SIPPEL: Well, I think -- and I
17 think -- now, this is coming from where? This is
18 coming from --

19 MS. REPP: Your Honor --

20 MR. PRICE: We made this request to the
21 NAB last fall and they've, they've added in a line on
22 the top where it says dated material for historical

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1 purposes only. That's a mark that the NAB made on it
2 before they faxed it to us. It looks like they faxed
3 it to us the 21st of October, 2004, and we produced it
4 as part of discovery in this case.

5 JUDGE SIPPEL: All right. Let me ask you
6 to do this, then. Over the lunch break get it -- get
7 copies made. Mark it as your next exhibit number, and
8 let's get it into the record and have him testify to
9 it to the best he can.

10 And if it turns out that you get a little
11 -- another document like that that's in that -- out of
12 NAB, then we can just add it to that exhibit and have
13 him again -- hopefully we can do that before he leaves
14 or he leaves town. And see if we can get -- but this
15 just -- when is the date on this again?

16 MR. PRICE: This is copyright '97, and it
17 references --

18 JUDGE SIPPEL: Yes, but does it have a
19 month and a day?

20 MR. PRICE: Yes, well, it doesn't, it
21 doesn't have a month and a day, but what it does have
22 is, it indicates that the NPRM reply comment deadline

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1 was September 8, '97, suggesting this was very late
2 '97, so it seems pretty reasonable that this --

3 JUDGE SIPPEL: That's got to be --

4 MR. PRICE: Is close enough.

5 JUDGE SIPPEL: Yes, and unless the NAB
6 really came up with a --

7 MR. PRICE: The page is --

8 JUDGE SIPPEL: With some kind of a major
9 amendment to this by early '98, which one would doubt
10 very much.

11 MR. PRICE: I mean, there still is the
12 page discrepancy on the fax, but I think certainly --

13 MR. SHOOK: Well, as far as that goes
14 there is no page discrepancy because the fax cover
15 sheet and there was a second page, or two pages, and
16 then if you add the six, we get to eight, which would
17 correspond.

18 MS. REPP: Could I just point that the fax
19 cover sheet refers to a Model Program --

20 MR. PRICE: No, that's a different fax
21 cover sheet.

22 MS. REPP: I'm sorry. Okay. Never mind.

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1 Is there anything different in the --

2 JUDGE SIPPEL: All right. Well, why don't
3 we -- yes, this -- you can straighten this out off the
4 record or over lunch or something. I mean, we're
5 going to get back to this and we're going to do it the
6 right way.

7 And also if you would -- I would ask you
8 this, too -- if you would ask the witness to read it
9 or somebody read it to him over the lunch hour. So
10 that he has some basic familiarity with it and at
11 least, in the context of reacting to it now. Why
12 don't we go back to the subject at hand, Mr. Shook?

13 MR. SHOOK: Thank you, Your Honor. Mr.
14 Helgeson, according to Ms. Ackerman's testimony, which
15 is SFUSD Exhibit T-4, at pages 1 and 2, she became
16 aware of the license renewal challenge shortly after
17 she took office, which was on August of 2000. Did you
18 tell her about the license renewal challenge?

19 THE WITNESS: I did not speak with Arlene
20 Ackerman.

21 BY MR. SHOOK:

22 Q Have you ever spoken with Arlene Ackerman?

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1 A Other than just a very -- I've never
2 actually had a meeting with Arlene Ackerman. I've
3 seen her. She's visited the station and I said hello
4 and introduced myself, but, among other people there,
5 but I've never met with her or discussed station
6 business with her.

7 Q Do you have any knowledge as to how Ms.
8 Ackerman came to know about the license renewal
9 challenge?

10 A No, I don't know how she came to be aware
11 of it.

12 Q Do you have any knowledge as to whether
13 Ms. Ackerman told Ms. Sawaya about the license renewal
14 challenge before Ms. Sawaya became KALW's general
15 manager?

16 A I don't have any, any, any recollection of
17 such a conversation.

18 Q Now, according to Ms. Sawaya's testimony,
19 which is SFUSD Exhibit T-3, at page 3, she met you
20 while she was working for NPR. Do you have an
21 approximate date in mind or time in mind as to when
22 you met her?

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1 A I'm afraid I don't recall the exact date.
2 She was working for National Public Radio at one
3 point, and it was -- the job consisted -- at least
4 part of the job consisted as being a liaison with --
5 between National Public Radio and affiliate stations.

6 And I believe she came to visit us as part
7 of that -- or visit KALW at that time in that role.
8 But I can't recall the exact date or -- sometime in
9 the mid -- I would say sometime in the mid '90s, but
10 I'm afraid I can't get more specific.

11 Q So your first recollection is her coming
12 to the station and meeting you there?

13 A She visited the station, she didn't come
14 specifically to meet me, I'm sure.

15 Q In the course of being at the station,
16 though, she met you.

17 A We -- yes, I think she came in, basically
18 got a little tour of the station, such as it was, and
19 was introduced to whoever was there at that time.

20 Q And did there come a time after that when
21 you met her again?

22 A I recall meeting her again, yes, but I

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1 don't recall a specific -- again, it was maybe at a,
2 just a visit to the station, but again, not so much to
3 meet me, per se.

4 Q Did you ever have occasion to go out to
5 Washington, D.C. to deal with NPR in any way and as a
6 result met her?

7 A I don't ever recall going to NPR and
8 meeting her.

9 Q Now, according to Ms. Sawaya's testimony,
10 SFUSD Exhibit T-3, at page 5, you contacted her in the
11 summer of 2000. Why did you contact her?

12 A I contacted her because by that time she
13 was, had left National Public Radio, she had come back
14 to the Bay Area, San Francisco Bay Area, she had
15 served at the time at the public radio station in
16 Berkeley, California and I knew she no longer was in
17 that position.

18 And I also knew at the time the school
19 district officials that I was dealing with regarding
20 the station were looking at perhaps making a change as
21 far as getting a general manager, different general
22 manager in the station, and they asked -- I remember

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1 being asked if I knew anybody who might be interested,
2 I think.

3 I don't know if they asked me if I, if I
4 knew anybody who was interested, or if I was
5 interested, and I thought of her, because I knew she
6 was in the area. In fact, she lived in the same part
7 of the city that I did.

8 And so I contacted her, and I don't recall
9 how I got her, her phone number, maybe, but I called
10 her, and she remembered me, and I think we went out
11 and met for coffee one day. And I told her about that
12 the school district's looking for -- potentially
13 looking for a new station manager for the station.

14 Q When you called her, or between the time
15 you called her and you actually met her for this cup
16 of coffee, that was a relatively brief period?

17 A I would imagine it was -- we probably just
18 set a date shortly after that phone conversation.

19 Q I mean certainly months didn't elapse
20 between the time of your call and the time of your
21 meeting her for coffee.

22 A I doubt it was a month. No.

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1 Q When you spoke with her, was Michael
2 Johnson still at the station as the general manager?

3 A Yes, he was -- I believe he was still at
4 the station as the general manager at that time. It
5 was summer of 2000. He would have been the general
6 manager still.

7 Q But you knew at that point that a change
8 was going to take place?

9 A I knew at that time that they were looking
10 at possibly changing general managers. The state --
11 the school district officials that I was -- that we --
12 that the station -- that was responsible for the
13 station.

14 Q Somebody told you that a new general
15 manager was in the offing?

16 A They were looking -- the school district
17 official that was overseeing the station at the time
18 said they were looking at possibly making a change in
19 the general manager.

20 Q Who was this mysterious person?

21 A Oh, his name was Glenston Thompson.

22 Q Now, when you met Ms. Sawaya for coffee,

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1 what, if anything, did you tell her about KALW?

2 A I don't recall the specifics. I remember
3 meeting at a place called the Atlas Café, which was in
4 the Mission District of San Francisco, fairly close to
5 where she lived. And we met for coffee one morning.

6 And we sat at a table, and in the course
7 of the conversation I spoke generally about the
8 station and we spoke about her and what she had been
9 up to, and, and I just -- I gave her an FYI that there
10 might possibly be an opening for a general manager
11 soon, and if she was interested she should contact Mr.
12 Thompson.

13 Q The whole point of your meeting her was to
14 tell her about this job possibility, wasn't it?

15 A That was, that was the main reason. Yes,
16 that was the reason, to basically let her know, and I
17 didn't know that she was interested or not, but if she
18 was, here's what you might -- here's the person you
19 should contact.

20 Q So what did you tell her about the
21 station?

22 A I don't recall specifics about what that

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1 I said something specifically about -- what the
2 specifics of that conversation was over coffee at this
3 time. I don't recall. I probably just, if she asked,
4 I gave her a general overview of something. I don't
5 recall what it was.

6 Q Did you tell her about a license renewal
7 challenge?

8 A I didn't recall -- I don't recall in that
9 conversation talking to her about the license renewal
10 challenge. At that point, this was summer of 2000,
11 the documents had been filed over two years previously
12 regarding -- and I had been told by the attorneys --
13 the attorneys had just been telling us just sit and
14 wait. These things do take time.

15 And so that's all we were doing. And
16 whether I brought it up in the conversation with her
17 on that day at the restaurant I can't recall. I
18 certainly would've told her if it had come to mind if
19 it was like I felt this was an important thing, in
20 that conversation. But again, the point was, if
21 you're -- this is a job, if you have any interest, go
22 see Mr. Thompson.

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1 Q Now, in talking to her about the -- did
2 you talk with her at all about the situation at the
3 station in terms of how many employees there were,
4 whether people were happy or unhappy? Did you get
5 into personnel matters at all?

6 A Like I say, I probably, I probably would
7 have, but I don't have any specifics about telling her
8 about this person or that person or this is what
9 happened last year or giving her specifics.

10 Q Did you tell her anything about the
11 station's budget?

12 A I may have, and I don't recall if I got
13 into a specific -- about the budget.

14 Q I mean, did you tell her that the station
15 was poor or that it had a lot of money coming in or
16 fund-raising was tough and it wasn't -- did you tell
17 her anything about that?

18 A I may have, and at this point -- at that
19 point too I didn't even know if she was interested in
20 the job. So I don't know what specifically I told
21 her. I would have told her -- given her an honest
22 assessment if I had. And if she asked a question I

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1 would have.

2 And I certainly wasn't sitting there
3 trying to hide anything from her. I had gone to her
4 because I knew she -- I knew her basically, I knew she
5 was a talented person, and thought this would -- she
6 might be a good fit for KALW.

7 Q Now, according to Ms. Sawaya's testimony
8 at Exhibit T-3, page 5, as well as her deposition
9 testimony, she subsequently interviewed with a
10 committee from SFUSD that included you. Did you
11 participate in a committee interview of Ms. Sawaya?

12 A In the fall -- yes, in the fall of that
13 year the school district opened up that job, and by
14 opening up I meant announce it, that -- they requested
15 applications for it. So anybody who wanted to apply
16 for the job could apply for the job.

17 And their way of -- the school district's
18 way of determining who the best candidate was was to
19 have each applicant interviewed by a small committee.
20 And the executive, one of the people who worked in the
21 school district's human resources department, asked me
22 to be one of the people on that committee. And so I

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1 was -- and so I did interview Ms. Sawaya among others.

2 Q In terms of the interview with Ms. Sawaya,
3 who was on the committee with you?

4 A The committee, I believe, was -- there
5 were three of us that I can recall. Besides myself,
6 there was a woman named Lisa Duran. And Lisa Duran,
7 her connection was that she works for our independent
8 -- one of our auditors, and so it was felt, I believe,
9 that she knew something about KALW and could ask good
10 questions about the -- of a general manager candidate.

11 And the other -- there was another person
12 there, a man named Noah Griffen, who was also in --
13 somewhat had been in broadcasting in the Bay Area and
14 he was asked to be on the committee, the panel of
15 three, as well. And then there was myself.

16 Q Was Mr. Griffen an employee of the school
17 district?

18 A No, he wasn't an employee of the school
19 district.

20 Q I think you indicated that Lisa Duran was,
21 what, employed by an independent auditor?

22 A That's correct. She was an employee of

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1 Bunker & Company.

2 Q And that was the entity that had done the
3 auditing for KALW up to that point?

4 A They've been doing the audit of -- KALW's
5 annual financial audit -- for several years.

6 Q During the course of this interview, and
7 given that there was this auditor person on the
8 interview panel, were the station's finances
9 discussed?

10 A As I recall the interview process that day
11 -- we did it over the course of one day -- I think we
12 interviewed whatever candidates -- there weren't a lot
13 of candidates -- but we reviewed -- we were given a
14 set list of questions to ask each -- the same, the
15 same questions were asked of each person. So I don't
16 know if the license, the matter of the license
17 challenge was asked to them as part of the question --
18 question and answer process.

19 Q Do you remember who gave you those
20 questions?

21 A Since this interview process was all set
22 up by the human resources department of the school

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1 district, I would imagine they came up with them.

2 Q Well, what do you remember about this list
3 of questions? Was it a sheet where questions were
4 handwritten, they were typed, I mean, what did you
5 get?

6 A I think we were all given a -- what we
7 were given -- each of us -- Lisa Duran and Noah
8 Griffen and I were each given a printed page that had
9 the questions on it. And somehow each of us was -- we
10 asked the candidate the question and depending on
11 their answer we scored it in some way.

12 Q It sounds like what we do. Do you have
13 any, do you have any knowledge as to what happened to
14 the question sheet that you had?

15 A After all the interviewing was done, the
16 school district HR person took all our, took all our
17 grade sheets and reviewed them however they review
18 them.

19 Q Now, did Ms. Sawaya ask questions of you
20 three, or was it simply you asking questions of -- you
21 three asking questions of her?

22 A I believe it was us just asking questions

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1 of the candidates.

2 Q At the time of that committee interview,
3 did you tell Ms. Sawaya about the license challenge?

4 A I would've told her about it reading -- if
5 she was read the question, if that was one of the
6 questions, in that case. But I don't recall if that
7 was, that was -- anything about the license challenge
8 was in the form of a question that they were supposed
9 to answer. The candidates for the job were supposed
10 to answer.

11 Q Now, after this committee interview, did
12 you have any further contact with Ms. Sawaya before
13 she actually became the station's general manager?

14 A The answer is, yes, I did.

15 Q And approximately --

16 A I did have some contact again in late --
17 at the end of 2000 and the very beginning of 2001.

18 Q And what was the nature of that contact?

19 A She asked me if I had any news about the
20 job position. Are they going to hire or not? She
21 wanted to know if I had any inside information. And
22 I tried in various conversations to ask the central

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1 office, are you going to hire her, when is she going
2 to find out?

3 They hadn't actually -- it had been -- a
4 number of months had gone by at this point, I think.
5 And she just -- she wanted to know should she take
6 another job or should she sit and wait, wait for them
7 to offer her the job or what? And I wasn't getting
8 any -- I wasn't getting an answer one way or another
9 from the school district people up until early 2001.

10 And so we had a couple of phone -- we had
11 several phone conversations, and that was the tone of
12 them. If I knew -- if I had any news, or what.

13 Q During any of those phone conversations,
14 did you tell Ms. Sawaya about the license renewal
15 challenge?

16 A At that time, I -- we didn't discuss -- I
17 don't recall even discussing the station at that time.
18 We were discussing the position. General managership.

19 Q Now, during the -- from the time you first
20 contacted Ms. Sawaya and let her know that there was
21 this job possibility to the point where she was hired
22 and came on board as the station's general manager,

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1 did you have any knowledge that Ms. Sawaya and Mr.
2 Ramirez were acquainted with each other?

3 A Other than we were all in the same
4 business of public radio stations together, I don't
5 recall specifically if I knew that they knew each
6 other or, or what -- if they had any kind of
7 relationship. But given we were all in public radio
8 it wouldn't have surprised me if they did know each
9 other.

10 Q Did there come a time when you became
11 aware that they were in fact acquainted with each
12 other?

13 A I think I remember at some point in this
14 asking when I was -- when we were still looking for a
15 general manager, or even if, if, what if -- I might
16 have had a phone conversation with Jeff Ramirez and at
17 that time he was here working in Washington sometime
18 in 2000, asking him if he knew anybody around the Bay
19 Area here who might be, or if he, what he thought
20 about Nicole Sawaya to get an opinion.

21 And I think he did have an opinion about
22 her. Positive. Positive opinion.

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1 Q So you were speaking with Jeff when?

2 A I think I had the conversation with him
3 maybe in 2000. At this point, the -- like I say, the
4 school district was potentially going to hire a new
5 general manager and I had a conversation with him.
6 That would have been the purpose of the conversation.
7 Something about the general managership being opened
8 and, I don't even recall at that point if Nicole had
9 actually expressed interest yet or not, or if the
10 interview process had happened.

11 Q Now, according to Ms. Sawaya's testimony
12 at page 5, she said that you told her that Jeff
13 Ramirez, then at CPB, had recommended that you call
14 Ms. Sawaya. Does that ring any bells?

15 A That could have been, again, like I -- as
16 I stated, the -- I may have called Jeff to ask him if
17 he knew anybody who might be interested and maybe one
18 of the names he came up with was Nicole, and like I
19 say I already had known -- I knew of Nicole, too,
20 since I'd met her. So that could have been the --
21 that could have been my -- what caused me to call
22 Nicole as well.

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1 Q Now, after getting this, well, shall we
2 say, recommendation from Jeff, did you have any -- did
3 you speak with Jeff again about Nicole Sawaya before
4 she was actually hired as the general manager and came
5 on board?

6 A I don't recall having a conversation with
7 him again about, about Nicole Sawaya.

8 Q Now, did you, did you call Jeff at CPB?

9 A Regarding the general managership and the
10 conversation about -- I might have -- I probably
11 called him. I knew he worked for CPB.

12 Q I mean, you knew how to get a hold of him
13 if you had to.

14 A I had -- I knew he worked for CPB, so I
15 probably knew how to -- yes, I knew how to get a hold
16 of him.

17 Q During that conversation that you had with
18 Jeff, I mean, admittedly the subject was about KALW
19 looking for a new general manager, did you happen to
20 mention to Jeff that the license renewal challenge was
21 still pending?

22 A I don't recall if that was part of our

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